

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
EXAMINING BOARD OF SOCIAL WORKERS  
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF THE DISCIPLINARY:

PROCEEDINGS AGAINST:

CURTIS PETERSON, CPC,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0009071CPC

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The parties to this action for the purposes of § 227.53, Stats., are:

Curtis Peterson, CPC  
4833 N. 57<sup>th</sup> Street  
Milwaukee, WI 53218

Professional Counselor Section  
Examining Board of Social Workers,  
Marriage and Family Therapists and Professional Counselors  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Professional Counselor Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Curtis Peterson, Respondent, date of birth January 1, 1941, is currently certified as a professional counselor in the State of Wisconsin, pursuant to certificate number 68, which was first granted on June 15, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 4833 N. 57<sup>th</sup> Street, Milwaukee, WI 53218.
3. Respondent was employed as a Vocational Rehabilitation Counselor – Senior in the Division of Supportive Living, Bureau of Sensory Disabilities, in the Department of Health and Family Services from August 15, 1988 until he was terminated on September 23, 1999, when his employer became aware of the allegations set out below. Respondent's job duties included meeting with clients in their homes to assess their needs for specialized

equipment for visual disabilities and to provide them with that equipment.

4. During early 1999, in the course of his job duties, Respondent provided services to Ms. A at her home in West Allis, Wisconsin on three occasions. Ms. A was then 77 years of age. Ms. A was legally blind as a result of macular degeneration, which had an onset two years earlier. Although legally blind, Ms. A still had limited vision and Respondent determined that Ms. A could benefit from specialized equipment for her visual disability.

5. On June 17, 1999, Respondent made his third visit to Ms. A's home. The purpose of the visit was to deliver and fit a pair of "Sport glasses," which have lenses that can be adjusted, similar to binoculars, so that Ms. A could watch television despite her visual impairment.

6. Respondent advised Ms. A to sit on the couch as she normally would to watch television. When Ms. A had difficulty adjusting the lenses, Respondent offered to help her and sat behind her on the couch.

7. As Respondent sat behind Ms. A on the couch, he put his hands on Ms. A's shoulders and started to massage them. Ms. A said to Respondent "No. None of that." Respondent massaged Ms. A's shoulders again, and she said "I told you no, none of that." Ms. A caused Respondent to remove his hand from her shoulder and that stopped the massage.

8. A short while later, Respondent ran his fingers down Ms. A's spine, to the middle of her back. Ms. A told him "No, you have to stop that."

9. Respondent then reached under Ms. A's arms and put his hands on both sides of her breasts, and squeezed them together. He did not say anything. Ms. A immediately brought her arms down to her side to break his hold and told him "Stop it! That's enough!"

10. Respondent placed his right hand on Ms. A's right thigh, with his hand closed. While keeping his hand on her thigh, Respondent brought his hand back toward her crotch area and opened his thumb. Ms. A pushed his hand off her thigh and told him "No!"

11. Respondent then said "At least let me rub your back." He pulled up Ms. A's blouse in the back and said "Oh, you wear a corset." Ms. A said "Now stop it! I think we have completed our business." Ms. A repeated, "Our business is completed." Respondent agreed.

12. Respondent's explanation of the events is that he reached under her arms to adjust the glasses and accidentally touched her breasts. However, Respondent could have reached the glasses more easily and without touching her breasts if he had reached over Ms. A's shoulders and gone to the head area from each side of her head.

13. Just before leaving Ms. A's home, Respondent crooked his finger at Ms. A and said, "Come here." Ms. A did not move. Respondent then came up to her and gave her a hug and told her he was going to miss her. He also said he would check on her from time to time.

14. When he left Ms. A's home, Respondent went to his car and sat in it in front of her home for several minutes.

15. While Respondent was sitting in his car, Ms. A went outside her house and called out to her neighbor, Ms. B, saying "[Ms. B], I need you right away. Come over here. Come over here right away." Ms. B knew right away that something was wrong because Ms. A had never done this before and there was an urgent tone in Ms. A's voice.

16. Ms. B ran over to Ms. A and followed Ms. A into her home. Ms. B saw Respondent sitting in his car. Ms. A expressed concern that Respondent was going to get out of his car and come back in her house.

17. Ms. A was visibly upset and was crying while she explained to Ms. B what had occurred with Respondent a few minutes earlier.

18. Ms. A reported the incident to the police within an hour of its occurrence because she did not want Respondent to assault other women.

19. At the time Respondent signed and returned the attached stipulation, Respondent represented to the Division of Enforcement that he would not use his certification prior to the Section considering the stipulation.

#### CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has jurisdiction over this matter pursuant to § 457.26(2), Stats.

2. The Professional Counselor Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has authority to enter into this stipulated resolution pursuant to § 227.44(5), Stats.

3. Respondent, by having engaged in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive, as set out above, has committed unprofessional conduct, as defined by Wis. Adm. Code § SFC 20.02(11), and is subject to discipline pursuant to § 457.26(2)(f), Stats.
4. Respondent, by having engaged in the conduct, set out above, has committed gross negligence in practice in a single instance, or negligence in practice in more than one instance, which is unprofessional conduct, as defined by Wis. Adm. Code § SFC 20.02(22), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certificate of Curtis Peterson, CPC, to practice as a professional counselor in the state of Wisconsin is hereby SUSPENDED for a period of at least one year.
2. Based upon Respondent's representation to the Division of Enforcement that he has not used his certification since the date that he signed the attached stipulation, the commencement of the suspension is retroactive to July 5, 2000, the date Respondent signed the attached stipulation.
3. That Respondent may petition the Professional Counselor Section for the termination of the suspension, after one year, under the following terms and conditions:
  - a. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care provider experienced in assessing health care providers who have become involved sexually with patients.
  - b. The practitioner performing the assessment must have been approved by the Section, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.
  - c. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of patients and public.
  - d. If the Section determines to end the suspension, Respondent's certificate shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:
    - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.
    - ii. Additional professional education in any identified areas of deficiency.
    - iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the supervisor.
  - e. Respondent shall appear before the Section on an annual basis, if requested by the Respondent, to review the progress of any treatment and rehabilitation.
4. If Respondent believes that the Section's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Section under paragraph 3 is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The suspension or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.
5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3 above, may constitute grounds for revocation of Respondent's certificate as a professional counselor in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 3 above, the Section may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 7th day of September, 2000.

Colleen James

Chairperson

Professional Counselor Section